



Brussels, **XXX**
[...] (2014) **XXX** draft

ANNEX A TO EASA OPINION No 10/2016

COMMISSION REGULATION (EU) No .../..

of **XXX**

laying down implementing rules for common airspace usage requirements and operating procedures, and repealing Commission Regulation (EU) No 1332/2011

DRAFT COMMISSION REGULATION (EU) .../...

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THE EUROPEAN COMMISSION,

Having regard to the Treaty on the Functioning of the European Union,

Having regard to Regulation (EC) No 216/2008 of the European Parliament and of the Council of 20 February 2008 on common rules in the field of civil aviation and establishing a European Aviation Safety Agency, and repealing Council Directive 91/670/EEC, Regulation (EC) No 1592/2002 and Directive 2004/36/EC ⁽¹⁾, and in particular Article 8b(6) thereof,

Whereas:

- (1) Safety requirements and associated interoperability requirements should be imposed on operators of aircraft registered in a Member State or registered in a third country and used by a Union operator, or by a third country operator within the Union to ensure the safe and efficient operation of the European network.
- (2) Safety requirements and associated interoperability requirements should be imposed on aerodrome operators when implementing operational improvements to ensure their safe and efficient operations and that of the European network.
- (3) Safety requirements and associated interoperability requirements should be imposed on ATM/ANS providers when implementing operational improvements to ensure their safe and efficient operations and that of the European network.
- (4) In accordance Article 1(2) of Regulation (EC) No 216/2008, the regulatory framework for the creation of the single European sky and the safety thereof does not cover military operations and training.
- (5) In accordance with Articles 1(2)a and 1(3) of Regulation (EC) No 216/2008, in order to ensure the highest possible safety standards, Member States should ensure as far as practical and as appropriate, that operation of aircraft referred to in Article 1(2)(a), military facilities open to public use referred to in Article 1(2)(b) as well as ATM/ANS services referred to in Article 1(2)(c) of said Regulation comply with the rules and procedures that are established.
- (6) The continued growth of aviation places increasing demands on the effective and efficient use of the available airspace, thus emphasising the need for its optimum utilisation. Improved operational efficiency and airspace utilisation, derived from the application of performance-based navigation (PBN), can bring capacity and efficiency benefits though the optimisation of air traffic service (ATS) routes and instrument approach procedures.

⁽¹⁾ OJ L 79, 13.3.2008, p. 1.

- (7) In order to ensure an efficient, harmonised and safe implementation of PBN in Europe, that enables performance improvement of the European air traffic management network (EATMN), the harmonised use of the PBN specifications and functionalities is critical. Therefore, it is necessary to require the implementation of specific International Civil Aviation Organization PBN specifications and functionalities.
- (8) Furthermore, the implementation of PBN in the high density terminal manoeuvring areas as required by Commission Implementing Regulation (EU) No 716/2014 is expected to improve the precision of approach trajectory as well as facilitate traffic sequencing at an earlier stage, thus allowing reducing fuel consumption and environmental impact in descent/arrival phases.
- (9) Implementation of PBN should reflect local performance needs and the continued availability of non-PBN approach procedures and routes should also be subject to local performance needs.
- (10) The proliferation of individual regulations for the implementation of individual technical enablers results in a complex regulatory environment. Thus, a single regulation containing the mandated requirements applicable to the relevant airspace users and to the use of the airspace is appropriate, including the current requirement to equip with ACAS II containing collision avoidance logic version 7.1.
- (11) Regulation (EU) No 1332/2011 should therefore be repealed.
- (12) It is necessary to provide sufficient time for the stakeholders to adapt to the new regulatory framework and implementation requirements.
- (13) The measures provided for in this Regulation are based on the Opinion issued by the European Aviation Safety Agency in accordance with Articles 17(2)(b) and 19(1) of Regulation (EC) No 216/2008.
- (14) The measures provided for in this Regulation are in accordance with the opinion of the Committee established by Article 5 of Regulation (EC) No 549/2004,

HAS ADOPTED THIS REGULATION:

Article 1

Subject matter and scope

1. This Regulation lays down common airspace usage requirements and operating procedures to be applied above the territory to which the Treaty applies as well as in any other airspace in accordance with Article 1(3) of Regulation (EC) No 551/2004.
2. This Regulation shall apply to:
 - (a) aircraft operations as referred to in Article 4(3) of Regulation (EC) No 216/2008 within the airspace defined in paragraph (1);
 - (b) aerodromes as referred to in Article 4(3a) of Regulation (EC) No 216/2008;
 - (c) ATM/ANS as referred to in Article 4(3c) of Regulation (EC) No 216/2008;
 - (d) network management functions as referred to in Article 6 of Regulation (EC) No 551/2004.

Article 2

Definitions

For the purposes of this Regulation, the definitions established by Regulation (EC) No 216/2008 and Regulations (EU) Nos 1035/2011 ⁽²⁾ [or insert No of the new Regulation], 923/2012 ⁽³⁾, 965/2012 ⁽⁴⁾ and 139/2014 ⁽⁵⁾ shall apply. In addition, the following definitions shall apply:

1. 'airborne collision avoidance system II (ACAS II)' means an airborne collision avoidance system which provides vertical resolution advisories in addition to traffic advisories;
2. 'mixed operations' means an environment where operations using conventional navigation are permitted within the same airspace together with area navigation (RNAV) or required navigational performance (RNP) operations;
3. 'navigation functionality' means the detailed capability of the navigation system required to meet the needs of the proposed operations in the airspace;
4. 'navigation specification' means a set of aircraft and aircrew requirements needed to support performance-based navigation operations within a defined airspace;
5. 'radius to fix (RF)' is defined as a constant radius circular path about a defined turn centre that terminates at a fix;
6. 'resolution advisory (RA) indication' means an indication given to the flight crew recommending a manoeuvre intended to provide separation from all threats or a manoeuvre restriction intended to maintain existing separation;
7. 'RNAV (X) specification' means a navigation specification based on area navigation that does not include the requirement for on-board performance monitoring and alerting, designated by the prefix RNAV, where 'X' refers to the lateral navigation accuracy in nautical miles;
8. 'RNP (X) specification' means a navigation specification based on area navigation that includes the requirement for on-board performance monitoring and alerting, designated by the prefix RNP, where 'X' refers to the lateral navigation accuracy in nautical miles or the operation type;

⁽²⁾ Commission Implementing Regulation (EU) No 1035/2011 of 17 October 2011 laying down common requirements for the provision of air navigation services and amending Regulations (EC) No 482/2008 and (EU) No 691/2010 (OJ L 271, 18.10.2011, p 23).

⁽³⁾ Commission Implementing Regulation (EU) No 923/2012 of 26 September 2012 laying down the common rules of the air and operational provisions regarding services and procedures in air navigation and amending Implementing Regulation (EU) No 1035/2011 and Regulations (EC) No 1265/2007, (EC) No 1794/2006, (EC) No 730/2006, (EC) No 1033/2006 and (EU) No 255/2010 (OJ L 281, 13.10.2012, p 1).

⁽⁴⁾ Commission Regulation (EU) No 965/2012 of 5 October 2012 laying down technical requirements and administrative procedures related to air operations pursuant to Regulation (EC) No 216/2008 of the European Parliament and of the Council (OJ L 296, 25.10.2012, p. 1).

⁽⁵⁾ Commission Regulation (EU) No 139/2014 of 12 February 2014 laying down requirements and administrative procedures related to aerodromes pursuant to Regulation (EC) No 216/2008 of the European Parliament and of the Council (OJ L 44, 14.2.2014, p. 1).

9. ‘standard instrument arrival (STAR)’ route means a designated instrument flight rule (IFR) arrival route linking a significant point, normally on an ATS route, with a point at which a published instrument approach procedure can be commenced;
10. ‘standard instrument departure (SID)’ route means a designated instrument flight rule (IFR) departure route linking the aerodrome with a specified significant point, normally on a designated ATS route, at which the en route phase of a flight commences;
11. ‘traffic advisory (TA) indication’ means an indication given to the flight crew that the proximity of another aircraft is a potential threat.

Article 3

Airspace usage

1. Operators of aircraft shall comply with the provisions of Subpart ACAS of the Annex to this Regulation.
2. Air navigation service providers (ANSPs), aerodrome operators, the Network Manager and the European Aviation Safety Agency shall comply with the provisions of Subpart PBN of the Annex to this Regulation.

Article 4

Repeal

Commission Regulation (EU) No 1332/2011 is repealed.

Article 5

Entry into force

1. This Regulation shall enter into force on the twentieth day following that of its publication in the *Official Journal of the European Union*.
2. Subpart PBN of the Annex to this Regulation shall apply from 6 December 2018.
3. By way of derogation from paragraph 2, the provisions of AUR.PBN.2005(1) of Subpart PBN of the Annex to this Regulation shall apply as from 30 January 2020.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Brussels,

For the Commission
The President
[...]